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VIRGINIA LAW REGISTER.

VOL. VI.]

AUGUST, 1900.

[No. 4.

JUDGE JOHN BEVERLY CHRISTIAN.*

John Beverly Christian, late Judge of this (Essex) Circuit, and one of the Judges of the late General Court of Virginia, was born at "Cedar Grove," New Kent county, Va., in 1796.

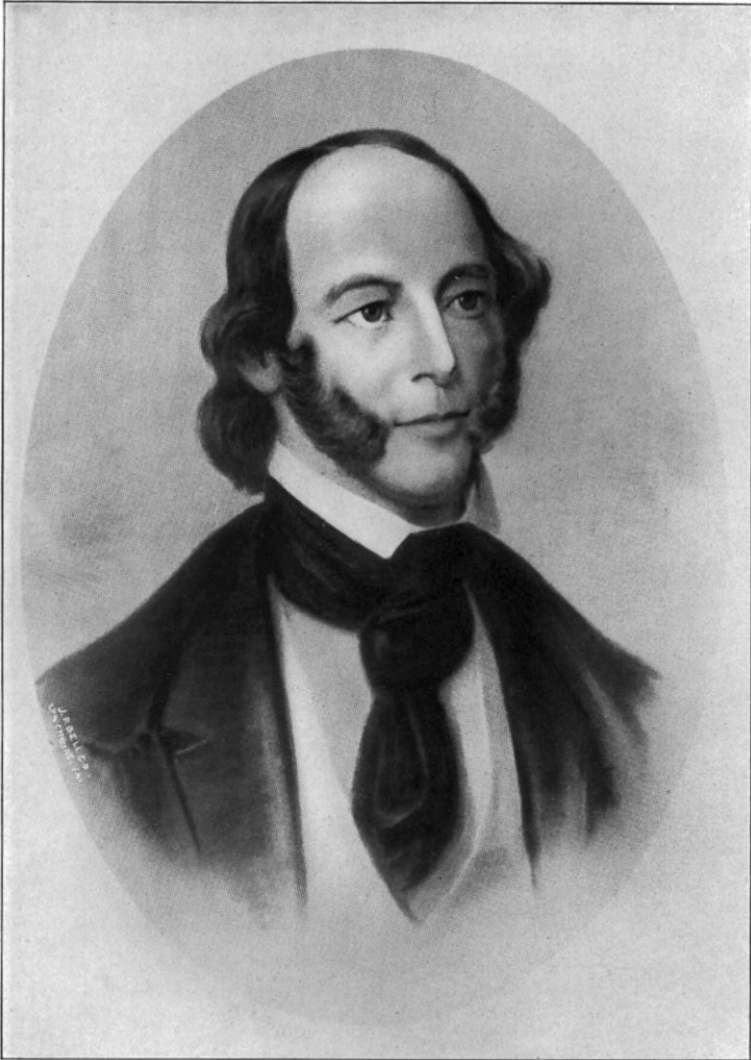
Judge Christian was the second son of Col. Robert Christian and Mary Browne, his wife. His family is said to be one of the oldest in this country. Indeed, a recent writer says "it is the oldest in England, if not in the world;" that there is "a clear tradition in the Isle of Man, where many of the name resided, that the first convert from Druidism was nicknamed 'the Christian,' " and that his descendants have since had that for the family name; that "Mr. W. A. Christian now owns the original family seat in the Isle of Man, which has passed regularly from father to son for four hundred and seventy-nine years," and that "the family settled in Virginia in the days of Cromwell, and has contributed many noted men to the service of the State and Nation."

Another writer says:

"The name is historic. John Christian of Unirig Castle, married Isbella, a daughter of Henry Lord Percy, the famous Earl of Northumberland; William Christian of Albdale and Milntown, Parish of St. Frisity, was Master of the House of Keys in Ireland in 1422, and Ewan Christian, born in 1579, was appointed deempster of the Isle of Man, at the age of twenty-six, and held the office for forty-eight years."

In his introduction to "Peveril of the Peak," Sir Walter Scott refers to this family as one of influence and distinction in the Isle of Man. He also speaks of their occupying offices of importance, and especially that of judge, or "deempster," as it is there called. He publishes a poem written on the death of William Christian, who was at one time a judge, and afterwards Receiver-General of the Island, and who was killed January 2, 1662. The writer of this poem refers

*An address delivered by Hon. George L. Christian, of Richmond, Va., on the occasion of a presentation of a portrait of Judge John B. Christian, to the Circuit Court of Essex county, June 20, 1898.



JOHN BEVERLY CHRISTIAN

to this William as one of "talents so great;" speaks of how his, "justice was applauded by the young and the old," and how it was again hoped that "a Christian would soon grace the chair," etc.

Whether all or half of this is true, I do not pretend to state, and care but little. I believe in the principle embodied in the lines of Pope, that

"Honor and shame from no condition rise;
Act well your part, there all the honor lies."

Certain it is that Judge Christain descended from a highly honorable ancestry, and I only quote the language of another when I say his father "was long a member of the Virginia Assembly, and a member of a family which has for quite two hundred years been honorably and usefully represented in the judiciary, and varied local trusts in Virginia." He was a colonel in the Revolutionary War, a devoted friend of Washington, an ardent federalist in politics, and an Episcopalian in religion. He was possessed of an ample fortune, and his home was the seat of that genuine Virginia hospitality which was so famous in his day, and is still the charm and crown of our civilization—a civilization which, notwithstanding the agonies and throes of civil war, and the demoralization of reconstruction, is yet, in my opinion, the highest and the purest that ever was vouchsafed on earth to the children of men, save and except only that which was created and enjoyed by our ancestors in *ante bellum* days, and which produced a Washington, a Henry, a Jefferson, a Madison, a Monroe, the Tylers, the Tazewells, the Lees, the Johnstons, the Jacksons, the Hunters, the Garnetts, the Wellfords, the Harrisons, the Lewis's, the Latanes, the Micous, the Pollards, the Prestons, the Wrights, the Christians, and a thousand others I could mention. If you hear this civilization, or the institutions and customs which produced it, assailed as wicked, demoralizing or tending to degrade, say to those who defame us, that this is the civilization which produced George Washington and Robert Lee. If your civilization can match them, let its products come forward, and let the world decide between us.

Judge Christian's mother was a daughter of Commissary-General John Browne of the Continental army, and, of course, of the same social position as her husband's family. She was a woman of excellent sense, of rare amiability and worth, and a type of the Virginia matron and housewife of her day.

Judge Christian was educated at William and Mary College, the *alma mater* of many of the most distinguished sons of Virginia. As

soon as he reached his majority he was admitted to the bar. Settling in Williamsburg, he soon built up a large practice in that place and the adjoining counties of James City, York, Warwick, Gloucester, Charles City and New Kent. In a short time he became one of the recognized leaders of a bar which numbered among its local members such lawyers as Geo. W. Southall, Lemuel J. Bowden, Richmond T. Lacy, Thomas H. Willcox, John P. Pierce, James D. Halyburton, John Tyler, John T. Seawell and John B. Clopton, and which was frequently visited by some of the best talents from the bars of the cities of Richmond and Norfolk.

Judge Christian was about six feet high, handsome, a good speaker and of exceptionally fine bearing before the courts and juries. His splendid manners, imposing presence, and persuasive style of argument, made him a most effective advocate, as well as dangerous opponent at the bar.

On the death of Judge James Semple, the judge of the Williamsburg circuit, Judge Christian was appointed his successor, and from that time till the circuit was changed under the Constitution of 1852, Judge Christian presided over the courts of that circuit, to the satisfaction of the suitors, and with a dignity, ability, learning and integrity rarely equalled. His deportment on the bench is said to have been singularly fine, combining the *suaviter in modo* with the *fortiter in re* to a degree rarely met with. When the circuit was changed, the county of Henrico, then, as now, one of the most populous in the State, and others, were thrown into the new circuit, whilst King and Queen, Essex and others, were taken from Judge Christian's circuit. Judge John B. Clopton had lived in Henrico, New Kent and Williamsburg, and was a very able and popular judge. The candidates for the judgeship of this new circuit were: Judge Christian, Judge Clopton, and Lemuel J. Bowden, a very able lawyer of Williamsburg. The election was by the people, and Judge Clopton was chosen. It is said that he got every vote polled in the county of Henrico. Very few men who ever adorned the bench of Virginia made a finer or more lasting impression on the bar and the people, than did Judge Clopton. He and Judge Christian were from the same county, their families were connected and very intimate, and hence the contest between them was conducted on the best terms, and, of course, on the most elevated plane.

Judge Christian was a brother of the first wife of President Tyler, and when he was first appointed to succeed Judge Semple, Mr. Tyler

was a member of the United States Senate. About that time the legislature of Virginia passed a resolution instructing the Senators of the State to vote for Benton's famous "expunging" resolutions. Rather than obey these instructions, Mr. Tyler, with that integrity and nobility of character which marked his whole career, tendered his resignation. Knowing of the relations existing between Mr. Tyler and Judge Christian, and that the latter would make any sacrifice to serve the former, it was suggested to Mr. Tyler, that if he retired from the Senate he could secure the judgeship, to which Judge Christian had recently been appointed. This suggestion Mr. Tyler refused to consider for a moment, and in his letter of December 16, 1835, to the representative from Gloucester in the legislature, says: "Christian is destined to make an able judicial officer, and is better qualified for the station than myself, or any man who will be opposed to him."

During Mr. Tyler's administration as President, a vacancy occurred in the judgeship of the District Court of the United States for the Eastern District of Virginia, and Mr. Tyler nominated Judge Christian to fill that office. Unfortunately, the bitter contest between Mr. Tyler and the Senate, led by Mr. Clay, was then going on, and because Christian was Tyler's brother-in-law, and only for that reason, and to spite Mr. Tyler, the Senate refused to confirm that nomination. Judge James D. Halyburton was then nominated and confirmed. No more upright judge ever sat on any bench than Judge Halyburton. I knew him well. He held the office until the secession of Virginia, and retained it under the Confederate government until the close of the war.

After the adoption of the Constitution of 1830, the old General Court of Virginia—which was at one time the principal court of the Colony, and survived many changes, both in its composition and jurisdiction—became, among other things, the appellate court of the State, in criminal cases, and was presided over by the circuit judges. Owing to the fact that those judges were so much more familiar with criminal law and criminal trials at *nisi prius*, than the judges of the Court of Appeals, it is thought by the bar that this was the best appellate court for criminal cases that was ever organized in the State.

Judge Christian sat on the bench of this court from 1835 to 1848, a period of thirteen years, and the cases in which he sat are reported from 6 Leigh to 3 Grattan, inclusive (13 volumes). A comparatively small number of the opinions delivered by this court were ever re-

ported, and therefore but few of those delivered by Judge Christian are found in these volumes. Those which are there, however, are models of accuracy of style, and clearness of statement, and I think will rank with those of any other judge who sat on that bench. And this is saying a great deal, when we recall that among these judges were such men as Abel P. Upshur, John T. Lomax, John Scott, William Liegh, John B. Clopton and John Robertson. Among these opinions I can only refer to those delivered by him in *Gwatkins's Case*, 9 Leigh 678; the dissenting opinion in *Pitman's* and *Wright's Cases*, 2 Robinson, 800, and *Williams's Case*, 2 Gratt. 567.

Lord Bacon says, "Judges ought to be more learned than witty; more reverend than plausible, and more advised than confident. Above all things integrity is their portion and proper virtue." Socrates says, "Four things belong to a judge: To hear courteously; to answer wisely; to consider soberly, and to decide impartially." I do not pretend to affirm that Judge Christian came up to the standard fixed by these sages in all respects, but from all that I can learn of his deportment on the bench it was, as I have said, exceptionally fine, and certainly "integrity was his portion and proper virtue."

He was an "old line" Whig in politics, an Episcopalian in religion, a member of the vestry of old Bruton church in Williamsburg, and of the Board of Visitors of William and Mary College. He was a genial, hospitable, generous man, a faithful friend, and a "good hater."

Judge Christian married a daughter of his predecessor on the bench, Judge Semple, and all that has been said of his mother, could with equal propriety be said of his wife. Their home at "Tazewell Hall," formerly the residence of Sir John Randolph in the city of Williamsburg, was a representative of those of Tidewater, Virginia, in the best days of the Old Dominion. They had four children, a daughter and three sons. The daughter was named for her mother, Martha, and the sons were named James, Robert and John. The daughter married an Episcopal clergyman named Mitchell, and is now a widow living in Portland, Maine. All three of the sons were lawyers, and removed to Alabama, where they lived and practiced their profession. All three of them are now dead.

Judge Christian died at his home in Williamsburg on the 21st of February, 1856, in the sixtieth year of his age, and was buried in the cemetery of his ancestral home at "Cedar Grove," where he was born.

"He lived an ornament to his profession and State,
He died regretted by a mourning community."

And now, sir, in concluding this short and imperfect sketch of my distinguished kinsman, I wish to express to you the gratitude which fills my heart at the noble task you have undertaken, in trying to rescue from oblivion the names, the fame and the faces of those who in their day and generation served their State and country with such fidelity and ability, and that you have thought one of the name that I bear worthy of a place on that honored roll, and that I was worthy to record that name on that roll. The desire to be remembered is the most natural, as well as the most universal, that fills the human breast. Often the last whisper heard from the lips of the dying is, "remember me," and often the most perilous task is undertaken, and the most prodigal expenditure is made, with no other incentive but that our names and memories may not perish from the earth. Whilst we recognize that there is nothing permanent, that we have no "continuing city" here, yet there is much that we can do to project and prolong the memories of those we love, and it behooves us to do this to the extent of our ability. Virginia has made an impression on this country, and on the world, of which any commonwealth may well be proud, and she has done this, although her people have been singularly neglectful of their duty to themselves and their ancestors along the lines to which I am now referring. Suppose our ancestors had done for theirs what you and I are striving, and under such adverse conditions, too, to do for some of ours. The record of this State from the landing at Jamestown to this day would be one long line of imperishable glory and renown, and we would recognize names all along that line which would make us proud of the stock from which we sprang—names which, from carelessness or neglect, have been completely obliterated by the hand of time. I am glad to contribute my mite to prevent this in the case of one of my name, one whom I was taught to revere as a worthy son of our great mother, Virginia.

In the name of the family of Judge John B. Christian, I present this picture to you as the presiding judge of this court, feeling assured from my knowledge of you, both as a man and a judge, that the gift, though an imperfect representation of its distinguished original, will be duly appreciated and honored by you, and those who come after you.

And so, in some measure, at least, it shall come to pass that—

"The sweet remembrance of the just
Shall flourish when he sleeps in dust."